



**EDWARD D. FAGAN ESQ.**

JUN 12 2008 Five Penn Plaza, 23<sup>d</sup> Floor, NY, NY 10001, Tel. (646) 378-2225

Email: faganlawintl@aim.com (Official Email Address for Court Documents)  
 CHAMBERS Edward.Fagan.law.teachers@gmail.com (Email Address for Teachers4Action Case)  
 ANDREW J PECK

June 12, 2008

Via Fax

Honorable Andrew J. Peck, USMJ  
 United States District Court  
 Southern District of New York  
 500 Pearl Street, Chambers  
 New York, NY 10007

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC# \_\_\_\_\_  
 DATE FILED: 6/12/08

*Re: Teachers4Action et al v. Bloomberg et al, 08-cv-548 (VM)(AJP)*

Honorable Judge Peck:

Plaintiffs are in receipt of Doc. # 63, which was the Order Your Honor filed after the June 11, 2008 Conference and hearing.

I note that the Order seems to have overlooked or omitted two points that were addressed on the record. These points are:

1. As to the Motion for Limited Discovery, the Court declined to entertain "parsing" of the requests but did allow Plaintiffs to submit a supplemental Motion related specific documents, such as (and by way of example) the Documents referenced in Requests # 2 & # 3 of the Document Requests directed at the NYC Defendants.
2. As to the application pursuant to FRCP 34 (a) (2), the Court granted Plaintiffs' application and ruled that NYC & Union Defendants cooperate with Plaintiffs and that a qualified videographer paid for by Plaintiffs, can, before the end of the school year - i. e. June 26, 2008, enter (after 3 pm or such other time as the teachers daily "work hours" end) and photograph / document the conditions in each of the [Temporary Reassignment Centers a/k/a Rubber Rooms (such as the Manhattan Rubber Room - at 333 7<sup>th</sup> Avenue, Washington Heights Rubber Room - at 4111 Broadway and the Queens Rubber Room - at 30-48 Linden Place) that will not be used for 2008/9 school year. And, if possible, Plaintiffs are to produce an immediate copy of the videographers' film or dvd.

10 min  
Plan 3

To save the Court's time, Plaintiffs propose that Your Honor consider simply "So Ordering" this letter so that the docket accurately reflects Your Honor's ruling on the Record at yesterday's Conference and Hearing.

As always, thank you for Your Honor's continued consideration in this regard.

Respectfully submitted,

*Edward J. Fagan*

Edward D. Fagan

EDF/lrf

Cc: Blanche Greenfield Esq. - For NYC Defendants- Fax (212) 788-8877

Charles Moerdler Esq. - For Defendants UFT, Weingarten & Combier - Fax (212) 788-8866

**MEMO ENDORSED** *6/12/08*

*Subject to the full ruling on the record,  
 this appears as an additional summer.*

**SO ORDERED**

*Andrew J. Peck*

*United States Magistrate Judge*

*Concord, NY  
 Date Name*

**BY FAX**

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

Dated: June 12, 2008

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TO	FAX NUMBER
Edward D. Fagan, Esq.	646-304-6446 or 646-417-5558
Blanche Greenfield, Esq.	212-788-8877
Charles G. Moerdler, Esq.	212-806-2647

## TRANSCRIPTION:

[Insert to line 5 of ¶ 2: . . . conditions in no more than 3 Temporary Reassignment Centers . . . ]

**MEMO ENDORSED 6/12/08**

**Subject to the full rulings on the transcript, this is approved as an additional summary.**

**Copy to: Judge Victor Marrero**